

## State vs. Carpenter and Stevens

ROBERT ERLING'S TESTIMONY

Direct and cross, commencing p. 140.

A summary of Erling's testimony very firmly fixed by the records is that he went into DeRussey Lane from Hamilton Street about eight o'clock (he said 8:30 at first but Simpson made him change to eight o'clock) in a Ford touring car; parked his car in DeRussey Lane about opposite the spring, (Erling first said the spring was about two thousand feet from the crabapple tree, but later upon Simpson's insistence increased the distance from two thousand to three thousand feet. In fact the spring is about twelve hundred feet or four hundred yards from the crabapple tree.) Sat fifteen minutes, walked for about half an hour, which covers his trip away from and back to the car, his walk taking him away from the crabapple tree; then sat in the car fifteen minutes, and then Mrs. Gibson came along on her mule going towards her home, towards Hamilton Street, towards the home of Nellie Lo Russell. Mrs. Gibson stopped for half a minute and looked into the car without speaking. Neither Erling nor his girl companion spoke and both turned their heads away as they knew Mrs. Gibson and did not wish to be recognized. Erling heard no shots. Erling neither saw nor heard a creaking or other wagon. Erling specifically said he saw Mrs. Gibson between nine and ten o'clock.

Notes on the foregoing.

Although when Mrs. Gibson heard the shots she ran to her mule and hurried from the scene, her excitement over the shots evidently ended in the four hundred yards from where she started to the point on the lane at the spring



ROBERT ERLING'S TESTIMONY (CONTINUED)

where Erling's car was parked.

Simpson not only insisted on Erling coming into the lane at eight o'clock but also insisted that he see Mrs. Gibson go towards her home on her first trip before ten o'clock.

According to the affidavit of Mrs. Wahler made to the State troopers about August 2 and published in the newspapers, she was Erling's companion in his car throughout the evening of Thursday, September 14; went through the lane with him from Hamilton Street to Easton Avenue about 9:30; and saw no wagon; did not see Mrs. Gibson; heard no shots; and did not park or take a walk. We have additional information that Erling and Mrs. Wahler, after motoring to Bound Brook, etc., returned to her home via Easton Avenue, DeRussey's Lane, and Hamilton Street without stopping or hearing or seeing anything unusual.